

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD

ORDINANCE NO. D12-94-1

AN ORDINANCE REPEALING ORDINANCE NO D3-83-2 AND ORDINANCE NO D10-94-1 AND REGULATING THE CONNECTION TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE SEWERAGE SYSTEM OF THE VILLAGE OF NEW CONCORD, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND OTHER MATTERS PERTAINING THERETO, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW CONCORD:

Section 1. Definitions

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this ordinance or as used in the rules and regulations adopted by the Village Council to implement the provisions of this ordinance shall be as follows:

101. "Biochemical Oxygen Demand" (or BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" (See 123).
102. "Building (or House) Drain" shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point approximately three feet outside the foundation wall of the building.
103. "Building (or House) Sewer" shall mean the pipe which is connected to the building (or house) drain at a point approximately three feet outside the foundation wall of the building and which conveys the building's discharge from the point to the public sewer or other place of disposal.
104. "Chemical Oxygen Demand" or (COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".

105. "Village" shall mean the Village of New Concord, or any duly authorized officials acting in its behalf.
106. "Effluent" shall mean the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.
107. "Garbage" shall mean any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.
108. "Ground Garbage" shall mean garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half inch in dimension.
109. "Industrial Wastes" shall mean any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person as defined in 112, and shall further mean any waste from an industrial user as defined in 125.
110. "Influent" shall mean the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.
111. "Outlet" shall mean any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any water course, pond, ditch, lake or other body of surface or ground water.
112. "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
113. "pH" shall mean the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.
114. "Receiving Stream" shall mean the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.
115. "Residential Property Unit" shall mean a building under one roof designed, arranged and used primarily for dwelling purposes by a single family.
116. "Sanitary Sewage" shall mean sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from storm water, surface water and industrial wastes.

117. "Sewage" shall mean the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.
118. "Wastewater Treatment Plant" shall mean the arrangement of devices, structures and equipment used for treatment and disposing of sewage and sludge.
119. "Sewage Works" shall mean all facilities for collecting, transporting, pumping, treatment and disposing of sewage and sludge, namely and sewerage system and wastewater treatment plant.
120. "Sewer" shall mean a pipe or conduit for carrying sewage or other waste liquids.
- 120.1 "Combined Sewer" shall mean a sewer which carries both storm, surface and ground-water runoff and sewage.
- 120.2 "Public Sewer" shall mean a sewer in which all owners of abutting property have equal rights and which is controlled by public authority.
- 120.3 "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters and unpolluted industrial wastes waters are not intentionally admitted.
- 120.4 "Storm Sewer" shall mean a sewer which carries storm, surface and ground water drainage but excludes sewage.
121. "Sewer Engineer" or "Water Pollution Control Engineer" shall mean the duly authorized representative of the Village. The individual designated may be the Village Engineer, Superintendent of the Wastewater Treatment Plant, consulting civil or environmental engineer to the Village, or some similar, knowledgeable and technically qualified person.
122. "Sewerage System" shall mean the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the wastewater treatment plant.
123. "Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

124. "Superintendent" shall mean the Superintendent of the Wastewater Treatment Plant of the Village of New Concord or his duly authorized representative.
125. "User Classes" - Each receiptient of municipal wastewater treatment services shall be either in the industrial class or the non-industrial class (including domestic, commercial, institutional and governmental). The Industrial Class shall include any non-governmental user as determined by the Board of Trustees, identified in the Standard Industrial Classification Manual of 1972. Office of Management and Budget, as amended and supplemented, under the following divisions: Division A - Agriculture, Forestry and Fishing; Division B - Mining; Division D - Manufacturing; Division E - Transportation, Communications, Electric, Gas and Sanitary Services; and Division I - Services. The Non-Industrial Class shall include all domestic and governmental users and those industrial, commercial and institutional users whose wastes are segregated domestic wastes or wastes from sanitary conveniences where regular domestic wastes are those wastes generated by normal domestic activity as determined by the Board of Public Affairs.
126. "Suspended Solids" shall mean solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in "Standard Methods".
127. "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.
128. "Service Area" shall mean that area which presently or in the future contributes sewage to the Wastewater Treatment Plant.
129. "Inflow" shall mean the water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundations drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.
130. "Shall" is mandatory and "may" is permissible.

131. Normal Domestic Sewage - Wastewater having the strength and characteristics as that discharged by the average residential user.
132. NPDES Permit - "National Pollutant Discharge Elimination System" permit shall mean any permit or equivalent document or requirements issued by the state water pollution control agency to regulate the discharge of pollutants.
133. Surcharge - Charge imposed on users (other than residential) discharging wastewater in strength greater than normal domestic sewage.
134. Debt Service Charge shall mean a charge levied on the users of the sanitary sewer system for the cost of the principal and interest payments on the Village's share of the wastewater treatment works construction.
135. Operation and Maintenance shall mean the costs incurred in the act of keeping all facilities for collecting, pumping, treating, and disposing of sewage in a good state of repair and functioning properly, including the replacement of said facilities when necessary.
136. Replacement shall mean expenditures for obtaining and installing equipment, accessories, and appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
137. Sewer Service Charges shall mean all charges imposed on users of the sanitary sewage system which includes: operation, maintenance, and replacement charges (OM&R), Debt Service, and extra-strength Surcharges.
138. User Charges shall mean the charge assessed users of the sewage system to recover the cost of OM&R of the sewage collection and sewage treatment system, and the cost for rendering bills and collecting sewer service charges.
139. User Classes shall mean any class of users of the wastewater works, defined as follows:
140. Residential user shall be any user that discharges waste to the sanitary sewer system from a dwelling unit. A dwelling unit can mean but is not limited to, houses, apartments and mobile homes used primarily for residential occupancy.
141. Industrial user or Industry shall mean any nongovernmental user discharging a trade or process

waste to a publicly owned treatment works as identified as a "Division A, B, D, E or I" industry in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented. A user in the A, B, D, E or I may be excluded if it is determined that the industry will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

142. Commercial user shall mean non-residential or non-industrial user that discharges waste to the sanitary sewer system from a commercial establishment. A commercial establishment can mean but is not limited to, retail establishments, service enterprise, and other businesses or community activity.

143. Governmental user shall be a user that discharges from sanitary conveniences to the sanitary sewer system and may mean, but is not limited to, municipal offices, garages, and facilities, and governmental facilities.

Institutional user shall mean a user that discharges from sanitary conveniences to the sanitary sewer system and may mean, but it not limited to, hospitals and schools.

Section 2. General Provisions

201. Bylaws, Rules and Regulations. The Council of the Village shall, in accordance with the statutes of Ohio, make and enforce whatever bylaws, rules and regulations it may deem necessary for the safe, economical and efficient management of the Village's Sewage Works, for the construction and use of building sewers and connections to the sewerage system, in general, for the implementation of the provisions of this ordinance.
202. Requirements for Connecting to Public Sewers. No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained and until he has satisfied his obligation to pay all assessments, reimbursements or pro rata shares of sewer extension costs lain against that property for public sewers installed to serve it. A tap permit given in error or sewerage service charges billed to a property in error shall not operate to nullify any such obligation that has been duly recorded.
- The Village shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer any downspouts, yard drains or other drains which carry the runoff of natural precipitation. Property owners shall have thirty days after notice to comply with any such requirements. The Village shall not authorize any tap permit which will cause excess flow, BOD and/or Suspended Solid loading of the wastewater treatment plant, force mains, lift stations or sewers.
203. Extensions of Sewers Outside Corporate Limits. The installation, construction or extension of sewers by the Village outside the corporate limits of New Concord and the connection or extension of sewers into the Village's sewerage system from, by or for properties located outside such limits shall be prohibited, except upon prior approval by the Board of Public Affairs of the Village of New Concord and by the Council of the Village of New Concord.
204. Connections to Sewerage System by Certain Out-of-Village Properties. Notwithstanding the provisions of paragraph 203, the Village shall have the authority to permit a property located outside the corporate limits of New Concord to connect to an existing sewer which is part of the Village's sewerage system, provided the property abuts, adjoins and is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the conditions set out in paragraph 202.

205. Violations and Penalties. Any person found to be violating or failing to comply with any of the provisions of this ordinance shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in the notice, permanently cease all violations.

Any person who shall continue any violation beyond the stated time limit shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine in an amount of \$50.00. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of the paragraphs set out above and convicted thereof shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

206. The Village shall prohibit any new connections from inflow sources into the sanitary sewer portions of the sewerage system and shall ensure that new sewers and connections to the sanitary sewers are properly designed and connected.
207. Terms. The terms of this ordinance shall be applicable to all users in the service area.
208. Amendments. The Village of New Concord reserves the right to amend this ordinance, including the user charges and/or surcharges herein established, in part or in whole, as provided and permitted by the Statutes of the State of Ohio, whenever it may deem it necessary.

Section 3. Discharge to Public Sewers

301. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectional waste.
302. It shall be unlawful to discharge to any natural outlet within said Village, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
303. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

304. The owner of all houses, buildings, or properties used for human occupancy, employment, or recreation, situated within the Village and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that it is technically and financially feasible as determined by the State Board of Health.

Section 4. Discharge to Private Sewers

401. Discharge to a private sewage disposal system shall be prohibited.

Section 5. Building Sewers

501. No unauthorized person shall uncover, make any connections with or opening into, use, alter, disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.
502. There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application to the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Sewer Engineer. A permit and inspection fee for a residential or commercial building sewer permit or for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed in accordance with the amounts and procedures set forth in Ordinances.
503. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner and shall post a cash or surety bond from which the owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
504. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

505. Existing building sewers may be used provided they meet the following criteria:

1. Minimum size 4"Ø
2. Existing sewers may be subjected to an exfiltration test meeting the following requirements. Line will be filled with water; after twenty (20) minutes if there is no loss of water than line will be accepted. Should the line fail the test then the building sewer shall meet the requirements of 506.

506. The building sewer from the main line to the property line shall be 6" diameter extra strength vitrified clay sewer pipe and fittings, meeting the current A.S.T.M. Specifications for Vitrified Clay Pipe, Extra Strength (Designation C 700).

Joints for Vitrified Clay Pipe shall meet A.S.T.M. Specifications for Compression Joints for Vitrified Clay Pipe (Designation C 425).

The pipe shall be laid at a slope of no less than one-fourth (1/4) inch per foot.

The building sewer from the property line to existing or new buildings shall be 6" diameter extra strength Vitrified Clay sewer pipe and fittings (C-700) or 6" diameter P.V.C. SDR-35 sewer pipe and fittings (D-3034).

Joints for Vitrified Clay Pipe and fittings and P.V.C. pipe and fittings shall be compression joints, C-425 and D-3212.

The methods to be used in excavating, placing, backfilling, testing and pavement replacement shall conform to the applicable rules and regulations of the Village.

507. Cleanouts

The bodies of cleanout ferrules shall be made of standard pipe sizes, shall conform in thickness to that required for pipe and fittings for the same metal, and shall extend not less than one quarter of an inch above the hub. The cleanout cap or plug shall be not less than one eighth of an inch thick and shall be provided with a raised nut at a height of three quarters of an inch or socket countersunk three quarters of an inch.

Cleanouts shall be not more than 50 feet apart in horizontal drainage lines of 4 inch nominal diameter or less, and not more than 100 feet apart for larger pipes.

Cleanouts, when installed on an underground drain, shall be extended to above the finished grade level directly above the place where the cleanout is installed; or may be extended to the outside of the building when permitted by the chief enforcement official or plumbing inspector.

Cleanouts shall be installed at each change of direction of the building drain greater than 45 degrees.

Cleanouts on concealed piping shall be extended through and terminate flush with the finished wall or floor; or pits with solid covers, or chases may be left in the wall or floor, provided they are of sufficient size to permit removal of the cleanout plug and effective cleaning of the system.

A cleanout shall be provided at or near the foot of each vertical waste or soil stack. For buildings with a floor slab on fill or ground or with less than 18 inch crawl space under the floor, the following are acceptable in lieu of a cleanout at the base of the stack: The building drain may be extended to the outside of the building and terminated in an accessible cleanout or an accessible cleanout installed in the building drain downstream from the stack not more than 5 feet outside the building wall.

There shall be a cleanout near the junction of the building drain and building sewer or a cleanout with "Y" branch inside the building wall.

Cleanouts above the building drains shall be a "Y" fitting directed to the flow of the pipe or be test tees if exposed.

Cleanouts shall be of the same nominal size as the pipes up to 4 inches and not less than 4 inches for larger piping.

Cleanouts on 3 inch or larger pipe shall be so installed that there is a clearance of not less than 18 inches for the purpose of rodding.

Cleanouts smaller than 3 inches shall be so installed that there is a 12 inch clearance for rodding.

Cement, plaster, or any other permanent finishing material shall not be placed over a cleanout plug.

Where it is necessary to conceal a cleanout plug, a covering plate or access door shall be provided which will permit ready access to the plug.

A fixture trap or a fixture with integral trap, readily removable without disturbing concealed roughing work, may be accepted as a cleanout equivalent.

508. Whenever possible, the building sewer should be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
509. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
510. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. No backfilling shall be permitted prior to written approval from said inspector or his representative. Should any backfilling or caving have occurred prior to the above inspection, the applicant shall remove, at his expense, any and all debris sufficient to make said inspection.
511. The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representative.
512. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said Village.

Section 6. Provision for Stormwater and Drainage

601. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 7. Prohibited Industrial Discharges

701. Prohibitions and Limitations. Except as hereinafter provided, no person shall discharge or cause to be discharged to any public sewer any of the following described substances, wastes or waters.
- 701.1 Any liquid or vapor having a temperature higher than 160° Fahrenheit.
- 701.2 Any waters or wastes containing more than 50 milligrams per liter of fats, oils, greases or waxes.
- 701.3 Any gasoline, benzene, naphtha, fuel oil or mineral oil or any other flammable or explosive liquid, solid or gas.
- 701.4 Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- 701.5 Any garbage that has not been properly ground.
- 701.6 Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the Wastewater Treatment Plant.
- 701.7 Any waters or wastes containing phenols in excess of 0.50 milligrams per liter.
- 701.8 Any waters or wastes having a pH lower than 6 or higher than 9 or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment or personnel of the Sewage Works.
- 701.9 Any copper in excess of one (1.0) milligram per liter in any wastes discharged into a public sewer.

- 701.10 Any zinc in excess of five (5.0) milligrams per liter in any wastes discharged into a public sewer.
- 701.11 Any chromium (hexavalent) in excess of one (1.0) milligrams per liter in any wastes discharged into a public sewer.
- 701.12 Any chromium (trivalent) in excess of two (2.0) milligrams per liter in any wastes discharged into a public sewer.
- 701.13 Total chromium in any wastes discharged into a public sewer shall not be in excess of three (3.0) milligrams per liter.
- 701.14 Any nickel in excess of one (1.0) milligram per liter in any wastes discharged into a public sewer.
- 701.15 Any lead in excess of one-tenth (0.1) milligram per liter in any wastes discharged into a public sewer.
- 701.16 Any cadmium in excess of two-hundreths (0.02) milligrams per liter in any wastes discharged into a public sewer.
- 701.17 Any cyanides, as CN ions, in excess of one (1.0) milligram per liter in any wastes discharged into a public sewer.
- 701.18 Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions.
- 701.19 Any toxic radioactive isotopes, without a special permit. The radioactive isotopes I 131 and P 32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system.
- 701.20 Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the Wastewater Treatment Plant or that will pass through the plant into the receiving stream in amounts exceeding the standards set by federal, interstate, state or other competent authority having jurisdiction. Any waters or wastes containing iron or any other toxic ions, compounds or substances in concentrations or amounts exceeding the limits established from time to time by the Board of Trustees, but in no event shall the limits exceed those set forth in Appendix C of the Federal Guidelines for Pretreatment of Pollutants Introduced into Publicly Owned Treatment Works published October 1973 or exceed the limits and restrictions set forth in New Concord's NPDES Permit No. B528*AD; OH 0021024 by reference.

- 701.21 Any waters or wastes that for a duration of 5 minutes or more have a concentration more than 5 times the average concentration of the BOD or the suspended solids of the customer's sewage discharged during a twenty-four hour period of normal operation.
- 701.22 Any waters or wastes containing suspended solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the Wastewater Treatment Plant, its pumping stations or other facilities.
702. Responsibility for Obstructing or Damaging Sewers. If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharge shall be billed and shall pay for the expenses incurred by the Village in cleaning out, repairing or rebuilding the sewer.
703. Special Agreements. No statement contained in this article shall be construed as prohibiting any special agreement or arrangement between the Village and any person whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment either with or without pretreatment, provided there is no impairment of the functioning of the Sewage Works by reason of the admission of such wastes and no extra costs are incurred by the Village without recompense by the person.
704. All or certain industrial wastes may be excluded when conditions are such that NPDES permits restrictions cannot be met.

Section 8. Admissible Industrial Wastes

801. Prior Approval for Certain Wastes. Review and acceptance by the Sewer Engineer shall be obtained prior to the discharge into the public sewers by any person of sewage whose wastes have:
- 801.1 A BOD greater than 240 milligrams per liter.
- 801.2 A suspended solids content greater than 250 milligrams per liter.
- 801.3 Other contaminants or characteristics which, from their nature or quantity, might be harmful to the structures, processes or operations of Sewage Works or to health, whether by themselves or through interacting with other wastes in the

public sewers.

- 801.4 A surcharge will be added to cover the cost of handling and treatment of the extra-strength wastes.
802. Pretreatment Facilities. When, after making such a review, the Sewer Engineer concludes that, before the person discharges his wastes into the public sewers, he must modify the structures, processes or operations of the Sewage Works or injurious to health, then the person shall either modify his wastes at the point of origin or shall provide and operate at his own expense such preliminary treatment or processing facilities as may be determined to be necessary to render his wastes acceptable for admission to the public sewers.
803. Prior Approval of pretreatment Facilities. Plans, specifications and other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the Village for examination and approval and no construction of such facilities shall begin until the Village, through its Board of Public Affairs, has given its written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results desired. Plans, specifications and other pertinent information shall also be submitted to the Ohio Environmental Protection Agency.
804. Operation and Pretreatment Facilities. When such preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the Village. The person shall maintain suitable operating records and shall submit to the Sewer Engineer such monthly summary reports of the character of the influent and effluent as the latter may prescribe.
805. Grease and Sand Traps. Whenever the Village determines that interceptors or traps are needed to protect the sewerage system or the operations of the Wastewater Treatment Plant from grease, oil, sand or similar substances occurring in a customer's sewage, then such traps shall be installed by the customer on his own lines at his own expense and shall be so maintained by him that none of such substances can be carried over into the public sewers. All traps shall be subject to the Village's approval as to construction, location and installation.

Section 9. Control of Admissible Industrial Wastes

901. Submission of Data on Industrial Wastes. Any person who discharges industrial wastes into the Village's sewerage system, either directly or indirectly, shall, upon the written request of the Board of Public Affairs, fill out and file with the Village within ninety (90) days an Industrial Waste Questionnaire to be furnished by the Village, in which he shall set out the quantity and characteristics of the wastes discharged into the Village's sewerage system. Similarly, any person desiring to establish a new connection to a public sewer for the purpose of discharging industrial wastes shall be required to fill out and file such a questionnaire, which shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged. When special circumstances such as the size or complexity of his sewage disposal problem would make complying with the time schedule cited above an unreasonable burden on the person, an extension of time, not to exceed ninety days, may be granted by the Village upon presentation of a proper application.
902. Control Manholes. Any person discharging industrial wastes into a public sewer, either directly or indirectly, may be required by the Village, upon the recommendation of the Sewer Engineer, to construct and maintain at his own expense one or more control manholes at a specified location or locations to facilitate the observation, measurement and sampling of his wastes. Such manholes shall be constructed in accordance with the standards and specifications of the Village. The Village may also require the person to install and maintain in any such manhole at said person's expense an approved volume-measuring device. Plans for the installation of control manholes and related equipment must be approved by the Village, upon the recommendation of the Superintendent or the Sewer Engineer, before construction is begun.
903. Waste Sampling. In addition to the requirements of the Industrial Cost Recovery Ordinance, any industrial wastes discharge into the public sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the Sewer Engineer deems it necessary (but at least one a year) and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes. Sampling period shall be for a period of time to be determined by the Sewer

Engineer. Every care shall be exercised in collecting the samples to insure their preservation, until analyzed, in a state comparable to that at the time the samples were collected.

The installation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Village. Access to sampling facilities shall be granted at all times to the Sewer Engineer or his duly authorized representative. Operation and testing may be required to be done by the Village and paid for by the industrial user. All testing procedures will be performed to meet all the requirements or Federal Regulations 40 CRF 136.

904. Waste Analysis. Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods" or other methods approved by both the Village and E.P.A. However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Sewer Engineer and the customer. The Village shall make and charge the industrial user for all analyses of the industrial user's wastes as well as other tests the Sewer Engineer may deem advisable. Analyses made by the Village at the request of the customer shall be charged to the customer according to the standard work order billing practices. All such analyses shall be binding in determining strength-of-wastes surcharges and other matters dependent upon the character and concentration of wastes.
905. Use of Representative Analyses. Until an adequate analysis of a representative sample of customer's wastes has been obtained, the Village shall, for the purpose of this ordinance, make a determination of the character and concentration of the customer's wastes by using data based on analyses of similar processes or data for his type of business that are available from the U.S. Environmental Protection Agency or from industry-recognized authoritative sources. This method, if selected by the Village, shall continue at the Village's pleasure or until an adequate analysis has been made.
906. All data collected pertaining to industrial wastes including records kept by each industrial user shall be subject to audit and review by the Environmental Protection Agency and Village.

Section 10. Damage

1001. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the Village sewer works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and upon conviction shall pay a maximum fine of \$100.00 plus payment for all damages.

Section 11. Access to Private Property

1101. The Sewer Engineer and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Sewer Engineer or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
1102. While performing the necessary work on private properties referred to in paragraph 1101 above, the Sewer Engineer or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
1103. The Sewer Engineer and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposed of, but not limited to inspection, observation, measurements, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 12. User Charges

1201. A proportionate rate for the operation, maintenance, and replacement of the sewage disposal system shall be charged to all users based upon the following formula:

$$OM\&R = A/V$$

Where A = Total annual operation, maintenance and replacement costs for the Wastewater treatment and collection system.

V = Total metered volume of water used per year by users of the system.

1202. Debt/Capital Improvement Charge (DCIC). The rate for repayment of capital costs associated with the construction of the sewage improvements shall be charged to all users based upon the following formula:

$$DCIC = B/V$$

Where B = Total amortized annual debt/capital improvement costs.

V = Total metered volume of water used per year by users of the system.

1203. Calculation of Charges. The sewer service charge for each user shall be calculated by multiplying the currently adopted OM&R rate and DCIC rate, determined as above, by the actual water meter reading in 1,000 gallon increments.

1204. Surcharges. Sewage or industrial wastes above normal domestic sewage strength, but acceptable for discharge into the sanitary sewerage system shall be subject to a surcharge. The surcharge shall be determined on the basis of either or both of two constituents of water or wastes:

1. Total suspended solids, and/or
2. Five-day BOD at 20 degrees C, and as herein provided.

Formula for SS:

$$SS \text{ rate} = A/C$$

Where A = Annual cost for treating suspended solids.

C = Total annual pounds of solids treated.

1205.

Usage Charge. All users of the sanitary sewerage system shall be charged a sewer service charge based on usage of the system. No free service will be granted to any user of the system. Charges shall be determined as follows:

$$\text{BOD rate} = B/D$$

Where B = Annual cost for treating biochemical oxygen demand.

$$D = \text{Total annual pounds of BOD}$$

When either or both the total suspended solids and the BOD of a water or waste accepted for admission to the system exceeds the values of their constituents for normal sewage, the excess concentration in either or both, as the case may be, shall be subject to a surcharge as follows:

1. Pounds of excess suspended solids per day x \$.18/lb = Suspended Solids Surcharge.
2. Pounds of excess BOD per day x \$.22/lb = BOD Surcharge.

In addition to the surcharge, the user will pay the user charges as defined in Section 1.

The pounds of BOD per day and/or pounds of suspended solids per day, above the concentration previously described for normal strength sewage that are discharged to the sewerage system, shall be determined by the Village or their authorized representative.

In addition to a surcharge on BOD and suspended solids, the Village shall have the right to surcharge any user for the discharge of any other pollutant into the sewage system.

1206.

Annual Review of Charges. The sewer service charge and user charges shall be reviewed annually by the Village of New Concord in order to determine whether or not they are sufficient to defray the fixed charges, amortization costs, and annual cost of operation and maintenance of the sewerage system. If the difference between the total annual revenue derived and the total annual cost is sufficient to justify an increase or decrease in the sewer service or user charges, the Village will adjust to maintain a proportional user charge.

Each user is to be notified at least annually, in conjunction with a regular bill, of the rate and that

portion of the sewer service charge which is attributable to OM&R costs of wastewater treatment services.

Section 13. Protection from Accidental Discharge

1301. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Village for review, and shall be approved by the Village before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Ordinance.
1302. If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitations in this Ordinance, the facility responsible for such discharge shall immediately notify the Village so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the Village detailing the date, time, and cause of the accidental discharge; the quantity and characteristics of the discharge; and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five (5) days of the occurrence of the noncomplying discharge.

Section 14. Collection

1401. All sanitary sewer service charges shall be due immediately upon issuance. All sanitary sewer charges rendered by the Clerk of the utilities billing shall be paid within 15 days from the billing date to the clerk or to the collection agencies designated by the Council. Any sanitary sewer charges not paid within 15 days shall be considered delinquent and a charge of \$5.00 shall be assessed against all delinquent sanitary sewer bills and must accompany the sanitary sewer bill paid at the clerk's office, however, no more than one \$5.00 delinquent charge shall be assessed against the given account when both water and sewer bills are delinquent and unpaid. Should any sanitary sewer bill remain unpaid for a period of 30 days from the billing date, the sewer services shall be cut off and terminated immediately by means of shutting off the water supply. The sanitary sewer service shall be resumed only upon payment of the delinquent charges

together with any delinquent fees, and water turn-on fee of \$10.00. In no event shall more than \$10.00 be charged for a turn-on fee when both water and sewer charges are past due.

Section 15. Penalty

1501. Any person found guilty by the Village of violating any provisions of this ordinance shall have the right to appeal that decision before the full Council. They shall also have all rights of appeal available to them through the court system.

Section 16. Validity

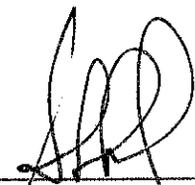
1601. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part of parts.

Section 17. Effective Date

1701. This Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage.

PASSED: December 12, 1994

APPROVED: December 12, 1994



President of Council

ATTEST Beryl L. Hammer
Clerk



Mayor

I hereby certify that the above Ordinance No. D-12-94-1 was posted per Ordinance No. L-1-84-1 from January 6, 1995 to March 15, 1995.

Beryl L. Hammer, Clerk